IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty. Docket: WALLACH34

In re Application of:	)	Conf. No.: 3237
David WALLACH et al.	)	Art Unit: 1647
Appln. No.: 10/580,542	)	Examiner: E. G. Stoica
Filed: March 2, 2007	)	Washington, D.C.
For: METHODS AND AGENTS FOR IMMUNE MODULATION AND…	)	October 30, 2008

RESPONSE

Honorable Commissioner for Patents
U.S. Patent and Trademark Office
Randolph Building, Mail Stop Amendments
401 Dulany Street
Alexandria, VA 22314

Sir:

The present Communication is responsive to the Restriction Requirement of September 30, 2008. Claims 21-58 presently appear in this case. No claims have yet been examined on the merits. All the claims have been subject to restriction and election requirements. Prompt consideration on the merits and allowance of all of the elected claims are hereby respectfully urged.

The examiner states that the present application contains nine different groups of inventions which are not so linked as to form a single general inventive concept. Restriction has been required among the nine groups designated by the examiner.

Applicant hereby elects, without traverse, Group I, including claims 21-25, drawn to a method of treatment of an immune disorder with an agent that modulates NIK-SIVA complex formation.

The examiner states that the application contains claims directed to more than one species from multiple categories of species of the generic invention. The examiner requires election from among the following categories of species:

(A) polypeptides

(B) immune disorders

(C) therapeutic agents

The examiner requires the applicants to elect a single species from each of the categories (applicable) to which the claims shall be restricted if no generic claim is finally held to be allowable and that the reply must identify the claims readable on the elected species. The examiner states that upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all of the limitations of an allowed generic claim.

It is believed that the only species requirement that relates to the Group I invention is that of (B) immune

disorders. In this regard applicant hereby elects B-cells chronic lymphocytic leukemia (B-CLL).

While the examiner states that the polypeptide category includes claim 21, this is not understood as none of claims 21-25 recite any polypeptides thus there are no species to choose from. None of the polypeptides that the examiner lists, which are found in claims 27, 31, 32, 50 and 55, are applicable to claim 21. Thus, is it believed that the polypeptide species requirement was erroneously applied insofar as to Group I is concerned. In a telephone conference between the undersigned attorney and the Examiner Stoica on October 30, 2008, the examiner confirmed that the polypeptide species requirement would not apply to Group I and any implication to the contrary was erroneous.

All of claims 21-25 are directed to the elected invention and the elected species.

Prompt consideration on the merits and allowance of all of claims 21-25 are earnestly solicited.

Respectfully submitted,

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